

**State of California  
Office of Administrative Law**

**In re:**  
**State Personnel Board**

**Regulatory Action:**

**Title 02, California Code of Regulations**

**Adopt sections: 547.60.2**

**Amend sections:**

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2021-0827-04**

**OAL Matter Type: Regular (S)**

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This action adopts a mandate that state agencies intending to contract for personal services outside of the civil service, under conditions specified within Government Code section 19130, must provide prior written notice to organizations representing state employee bargaining.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2022.

Date: January 27, 2022



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Mark Storm  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Suzanne Ambrose, Executive  
Officer

Copy: Lori Gillihan

# FILE PRINT

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2021-0827-04	FP

For use by Office of Administrative Law (OAL) only

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

JAN 27 2022

1:40 PM

OFFICE OF ADMIN. LAW  
2021 AUG 27 PM3:07

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

AGENCY FILE NUMBER (if any)

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Written Notification of Personal Services Contracts	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 547.60.2
TITLE(S)	AMEND
2	REPEAL

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)  
9/25-10/13/20; 10/30-11/16/20; 12/30/20-1/14/21; 3/17-4/1/21; 11/3-11/18/21

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Lori Gillihan	TELEPHONE NUMBER 916-651-1043	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) lori.gillihan@spb.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE Suzanne M. Ambrose <small>Digitally signed by Suzanne M. Ambrose Date: 2021.08.27 12:49:54 -0700</small>	DATE 8/27/2021
TYPED NAME AND TITLE OF SIGNATORY Suzanne M. Ambrose, Executive Officer	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

JAN 27 2022

Office of Administrative Law



## FINAL TEXT

**CALIFORNIA CODE OF REGULATIONS  
TITLE 2. ADMINISTRATION  
DIVISION 1. ADMINISTRATIVE PERSONNEL  
CHAPTER 1. STATE PERSONNEL BOARD  
SUBCHAPTER 1.5 PERSONAL SERVICES CONTRACTS  
ARTICLE 2. PROCEDURES FOR REVIEWING PERSONAL SERVICES  
CONTRACTS PROPOSED OR ENTERED INTO PURSUANT TO GOVERNMENT  
CODE § 19130(B)**

### §547.60.2. Notice to Employee Organizations

Before a state agency executes a contract or amendment to a contract for personal services under conditions specified within Government Code section 19130, subdivision (b), the agency shall notify all organizations that represent state employees who perform or could perform the type of work that is called for within the contract, unless exempted under Government Code section 19132, subdivision (b)(1). The notice shall include a copy of the full contract and information to enable employee organizations to determine the type of work to be performed under the contract, applicable exemption criteria under Government Code section 19130, subdivision (b), the estimated value of the contract, the term of the contract, and the employee organizations notified of the contract. It is the contracting agency's responsibility to identify the appropriate employee organization(s) to be notified. If the contracting state agency is unable to determine which employee organization(s) is or are appropriate to be notified, or determines that no represented employees perform or could perform the type of work that is called for within the contract, the contracting state agency shall notify all employee organizations representing each of the bargaining units within state civil service.

Note: Authority cited: Section 10337, Public Contract Code; Section 18701, Government Code. Reference: Section 19132, subdivision (b) (1), Government Code.